

Practitioner's Docket No. 2260/106

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: Rok Grahek, Dusan Milivojevic and Andrej Bastarda

Application No.: 09/720,952

Group No.: 1626

Filed: 01/03/2001

Examiner: Shameem, Golam M.

For: Process for Obtaining HMG-CoA Reductase Inhibitors of High Purity

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUN 26 2003

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

TECH CENTER 1600/2900

STATUS

2. Applicant is other than a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month:

Fee: \$110.00

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[x] deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

[x] with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____ - _____.

Signature

Date: June 19, 2003

Timothy M. Murphy

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY				
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA					
				RATE	ADDIT. FEE			
TOTAL	48	—	47	= 1 x \$	18.00	= \$	18.00	
INDEP.	2	—	3	= 0 x \$	84.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$	0.00	= \$	0.00	
				TOTAL				
				ADDIT. FEE				\$ 18.00

Total additional fee for claims required \$18.00

FEE PAYMENT

5. Authorization is hereby made to charge the amount of \$128.00 to Deposit Account No. 19-4972.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

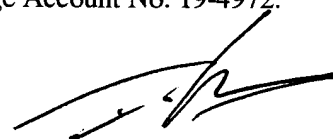
A duplicate of this paper is attached.

FEE DEFICIENCY

6. An additional extension and/or fee is required, charge Account No. 19-4972.

An additional fee for claims is required, charge Account No. 19-4972.

Date: June 19, 2003



Timothy M. Murphy
Registration No. 33,198
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618
US
617-443-9292
Customer No. 02101



002101

PATENT TRADEMARK OFFICE



TMM:klw

Please Date Stamp and Return

The Commissioner for Patents has received from Bromberg & Sunstein LLP the following re:

Inventor:	Grahek et al.	Docket No.:	2260/106
Title:	Reductase Inhibitors of High Purity	Art Unit:	1626
		Examiner:	Shameem, Golam M.
Serial/Patent No.:	09/720,952	Date:	June 19, 2003
Filing/Issue Date:	January 3, 2001	Express Mail No.:	

Documents:

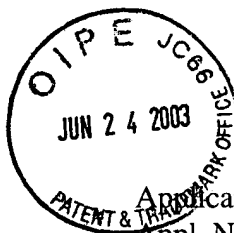
- | | |
|--|---|
| <input type="checkbox"/> New Application Transmittal | <input checked="" type="checkbox"/> Amendment Transmittal |
| <input type="checkbox"/> Provisional Application Cover Sheet | <input type="checkbox"/> Amendment (Preliminary) |
| <input type="checkbox"/> Description- pages | <input checked="" type="checkbox"/> Response C - Election and Amendment |
| <input type="checkbox"/> Claims- pages | <input type="checkbox"/> IDS & References |
| <input type="checkbox"/> Abstract | <input type="checkbox"/> Petition for month extension |
| <input type="checkbox"/> Application Data Sheet | <input type="checkbox"/> Issue Fee Transmittal & Form PTOL-85b |
| <input type="checkbox"/> Request and Certification under 35 USC 122(b)(2)(B)(i) | <input type="checkbox"/> Payment of Maintenance Fee |
| <input type="checkbox"/> sheets of drawings | <input type="checkbox"/> Assignment/Recordation Form Cover Sheet |
| <input type="checkbox"/> <input type="checkbox"/> formal <input type="checkbox"/> informal | <input type="checkbox"/> Check in the amount of \$ |
| <input type="checkbox"/> Declaration & Power of Attorney | <input type="checkbox"/> Completion of Filing Requirements |
| <input type="checkbox"/> <input type="checkbox"/> executed <input type="checkbox"/> unexecuted | <input type="checkbox"/> Transmittal of Formal Drawings |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Authorization to charge \$128 deposit account |
| <input type="checkbox"/> | <input type="checkbox"/> |

BROMBERG * SUNSTEIN LLP

2260/106

125 SUMMER STREET BOSTON MA 02110-1618

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Grahek, R. et al.
Appl. No: 09/720,952
Intl. Filing Date: September 17, 1999
Invention: PROCESS FOR OBTAINING HMG-CoA
REDUCTASE INHIBITORS OF HIGH PURITY
Art Unit: 1626
Examiner: Shameem, Golam M.
Docket No.: 2260/106

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 19, 2003.

Timothy M. Murphy

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE C – ELECTION AND AMENDMENT

Dear Sir:

This correspondence is in response to the Restriction Requirement of April 22, 2003. The applicants hereby elect Group II, claims 4-25. The applicants note that claim 1—which is listed in the Restriction Requirement as being part of Group I—is clearly a linking claim, since all the claims of Group II are dependent claims depending directly or indirectly from claim 1. Therefore, claim 1 must be examined with the invention elected. (See, for example, MPEP §§ 809 and 814.) The applicants also note that product-by-process claims 32-39 depend directly or indirectly from claim 4 of Group II. The applicants further note that, pursuant to the present amendment claims 25-27, 40-43 and 45-49 depend directly or indirectly from claim 4. Therefore, these dependent claims should be found allowable to the extent they depend from allowed claims within Group II. (See 37 C.F.R. § 1.141(a).) The applicants also request that the following amendments to the claims be entered without prejudice:

06/26/2003 BABRAHA1 00000072 194972 09720952

01 FC:1202 18.00 DA

06/26/2003 BABRAHA1 00000072 194972 09720952

02 FC:1251

110.00 DA